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MAR 2 8 2008

OFFICE OF PETITIONS

In re Application of

Tournier-Lasserve, et al.
Application No. 10/019 434

: DECISION ON APPLICATION

Application No. 10/019,434 : FOR PATENT TERM ADJUSTMENT

Filed: May 7, 2002

Atty. Dkt. No.: 03715.0102

:

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT--PRE-GRANT," filed October 2, 2007.

The application for patent term adjustment ("PTA") under 37 CFR 1.705(b) is hereby GRANTED TO THE EXTENT INDICATED HEREIN.

The correct determination of PTA at the time of the mailing of the Notice of Allowance is 411 days.

The Determination of Patent Term Adjustment under 35 U.S.C. 154(b), mailed July 2, 2007, indicated a patent term adjustment (PTA) to date of 233 days. The instant application for PTA was timely filed October 2, 2007.

Applicants do not contest the adjustment of 386 days under 37 CFR 1.702(a)(1) accorded for failure to mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed.

Applicants do not contest the reduction of 61 days under 37 CFR 1.704(b) accorded in connection with the response to election/restriction requirement, filed December 27, 2004.

Applicants do not contest the reduction of 92 days under 37 CFR 1.704(b) accorded in connection with the response after non-final Office action, filed January 24, 2007.

Applicants make reference to the requirement for information under 37 CFR 1.105 mailed March 7, 2005. Applicants are unsure whether the Office assessed an adjustment or reduction in connection with the requirement for information

A requirement for information under 37 CFR 1.105 is issued as a result of examination conducted pursuant to 35 U.S.C. 131. As such, a requirement for information is a notification under 35 U.S.C. 132. See, generally, MPEP 2731. Accordingly, issuance of a requirement for

information and an untimely filed response thereto impacts the calculation of adjustment.

In view thereof, a reduction of 56 days in accordance with 37 CFR 1.704(b) must be assessed in connection with the reply to the requirement for information filed August 2, 2005. The reduction began June 8, 2005, the day after the date that is three months after the date that the requirement for information was mailed, and ended August 2, 2005, the date a reply thereto was filed.

Further, the application is entitled to an adjustment of 234 days, as argued, in accordance with 37 CFR 1.702(a)(2) in connection with the mailing of the non-final Office action on July 24, 2006. The adjustment began December 3, 2005, the day after the date that is four months after the date that a reply to the requirement for information was filed, and ended July 24, 2006, the date that the non-final Office action was mailed.

In view thereof, at the time of allowance, the application is entitled to an overall adjustment of 411 days (adjustments totaling 620 days less reductions totaling 209 days).

Receipt is hereby acknowledged of the required PTA application fee of \$200.00.

Applicants are further advised that the patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to \$\$ 1.702(a)(4) and 1.702(b).

The application file is being forwarded to the Office of Patent Publication for issuance of a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Kery Fries

Senior Legal Advisor

Kengthere

Office of Patent Legal Administration

Office of Deputy Commissioner

for Patent Examination Policy

Enclosure: Adjusted PAIR Calculation

Day: Thursday Date: 3/27/2008

Time: 14:49:38

PALM INTRANET

| PTA Calculations for Application: 10/019434 | | | | | | | | | |
|---|------------|-------------------------|-----|--|--|--|--|--|--|
| Application Filing Date: | 05/07/2002 | PTO Delay (PTO): | 386 | | | | | | |
| Issue Date of Patent: | | Three Years: | 0 | | | | | | |
| Pre-Issue Petitions: | 0 | Applicant Delay (APPL): | 153 | | | | | | |
| Post-Issue Petitions: | 0 | Total PTA (days): | 411 | | | | | | |
| PTO Delay Adjustment: | 178 | | | | | | | | |

| File Contents History | | | | | | | |
|-----------------------|------------|---|-----|------|-------|--|--|
| Number | Date | Contents Description | PTO | APPL | START | | |
| 53 | 03/27/2008 | ADJUSTMENT OF PTA CALCULATION BY PTO | 178 | | | | |
| 42 | 07/02/2007 | MAIL NOTICE OF ALLOWANCE | | | | | |
| 41 | 06/27/2007 | ISSUE REVISION COMPLETED | | | | | |
| 40 | 06/27/2007 | NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED | | | | | |
| 39 | 06/26/2007 | ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING | | | | | |
| 38 | 06/26/2007 | DOCUMENT VERIFICATION | | | | | |
| 37 | 06/27/2002 | CORRECTED FILING RECEIPT | | | | | |
| 36 | 06/26/2007 | NOTICE OF ALLOWABILITY | | | | | |
| 35 | 06/22/2007 | DATE FORWARDED TO EXAMINER | | | | | |
| 34 | 06/15/2007 | AMENDMENT AFTER FINAL REJECTION | | | | | |
| 33 | 04/17/2007 | MAIL FINAL REJECTION (PTOL - 326) | | | | | |
| 32 | 04/13/2007 | FINAL REJECTION | | | | | |
| 31 | 02/02/2007 | DATE FORWARDED TO EXAMINER | | | | | |
| 30 . | 01/24/2007 | RESPONSE AFTER NON-FINAL ACTION | | 92 | 28 | | |
| 29 | 01/24/2007 | REQUEST FOR EXTENSION OF TIME - GRANTED | | | | | |
| 28 | 07/24/2006 | MAIL NON-FINAL REJECTION | | | | | |
| 27 | 07/20/2006 | NON-FINAL REJECTION | | | | | |
| | | CORRESPONDENCE ADDRESS CHANGE | | | | | |
| 24 | 03/07/2005 | MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT | | | | | |
| 23 | 03/03/2005 | MISCELLANEOUS ACTION WITH SSP | | | | | |
| | | DATE FORWARDED TO EXAMINER | | | | | |
| 21 | 12/27/2004 | RESPONSE TO ELECTION / RESTRICTION FILED | | 61 | 17 | | |
| 20 | 12/27/2004 | REQUEST FOR EXTENSION OF TIME - GRANTED | | | | | |

| 19 | 12/27/2004 | WORKFLOW INCOMING AMENDMENT IFW | | |
|----|------------|--|--|----|
| 18 | 07/12/2004 | MISCELLANEOUS INCOMING LETTER | | |
| 17 | 07/27/2004 | 4 MAIL RESTRICTION REQUIREMENT | | -1 |
| 16 | 07/23/2004 | REQUIREMENT FOR RESTRICTION / ELECTION | | |
| 15 | 10/27/2003 | PRELIMINARY AMENDMENT | | |
| 14 | 09/11/2003 | IFW TSS PROCESSING BY TECH CENTER COMPLETE | | |
| 13 | 07/05/2003 | CASE DOCKETED TO EXAMINER IN GAU | | |
| 12 | 05/26/2003 | CASE DOCKETED TO EXAMINER IN GAU | | |
| 10 | 10/23/2002 | CASE DOCKETED TO EXAMINER IN GAU | | |
| 9 | 07/02/2002 | APPLICATION DISPATCHED FROM OIPE | | |
| 8 | 06/20/2002 | IFW SCAN & PACR AUTO SECURITY REVIEW | | |
| 7 | 06/06/2002 | NOTICE OF DO/EO ACCEPTANCE MAILED | | |
| 6 | 05/07/2002 | ADDITIONAL APPLICATION FILING FEES | | |
| 5 | 05/07/2002 | INFORMATION DISCLOSURE STATEMENTS | | |
| 4 | | A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC | | |

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

Back to OASIS | Home page

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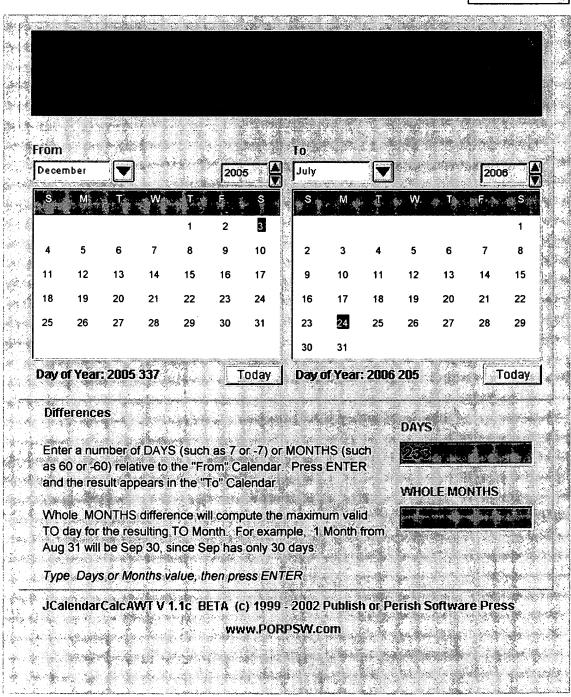


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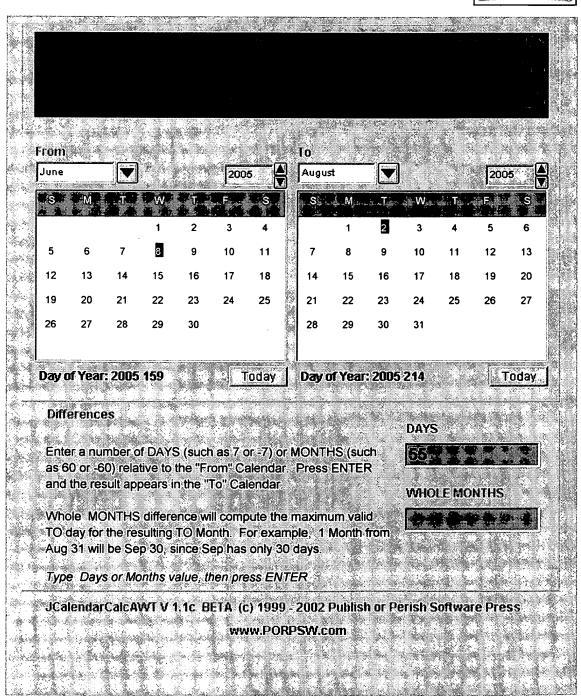


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